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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,892	11/18/2003	Richard Ormson	WN-2619	2814

21254 7590 05/25/2007  
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
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SUITE 200  
VIENNA, VA 22182-3817

EXAMINER
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BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,892	ORMSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ariel Balaoing	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over OTTING (US 6,477,372 B1) in view of COOPER (6,766,169 B2).

Regarding claim 18, OTTING discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible neighboring cells of a cell already identified as a suitable cell in a first RAT (410, 412, 414, 404; col. 4, line 17-59; during cell selection, neighboring cells of current cell are scanned and therefore, a cell has already been identified as suitable); camping onto said most suitable cell (410, 412, 414, 404; mobile camps on a cell of a network deemed best). However, OTTING does not expressly disclose wherein the camping is an initial camping during a power-up sequence. COOPER discloses wherein the camping is an initial camping during a power-up sequence (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OTTING to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of

cells during initial cell selection is well known and convention in the art. Furthermore, it is known in the art that during initial power up, a scan for the previously camped cell (suitable cell) is attempted prior to neighbor cell scan.

Regarding claim 19, OTTING discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (410, 412, 414, 404); and a controller for camping on said cell identified as most suitable (410, 412, 414, 404 mobile camps on a cell of a network deemed best), wherein said controller identifies a suitable cell in a first RAT and monitors cells in other RATs that are neighboring cells of said suitable cell (col. 4, line 17-59; alternate technology scan is performed on neighbor cells). However, OTTING does not expressly disclose wherein the camping is an initial camping during a power-up sequence. COOPER discloses wherein the camping is an initial camping during a power-up sequence (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OTTING to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art. Furthermore, it is known in the art that during initial power up, a scan for the previously camped cell (suitable cell) is attempted prior to neighbor cell scan.

***Allowable Subject Matter***

4. Claims 1-17 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The claims 1-17 are allowed in view of Applicant's amendment, accompanying remarks, and declarations filed on 03/06/2007.

Regarding independent claims 1, 6, 15, 16, and 17, the prior art of record does not disclose prior to an initial camping during a power up sequence, identifying and monitoring a suitable cell on one radio technology (i.e. identifying a cell which meets determined characteristics for camping), and subsequent to identifying a suitable cell, monitoring each of a plurality of other radio technologies. AMERGA shows performing inter-frequency and inter-rat cell reselection when quality falls below a determined threshold, however, during an initial power up, the mobile terminal of AMERGA camps when a suitable cell is located and therefore, monitoring of additional RATs occur after the mobile terminal is camped.

Claims 2-5, and 7-14 are allowed for being dependent on allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

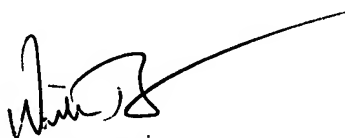
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

AULT et al (US 5,754,542) – Method and apparatus for system determination in a multi-mode subscriber station

BLAKENEY, II et al (US 6,466,802 B1) – Method and apparatus for performing preferred system selection

BRODERICK (US 5,995,829) – Programmable system determination in dual-mode wireless communications system

LEE (US 6,169,733 B1) – Multiple mode capable radio receiver device

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.